

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>WEIHARIK GARCIA,</b>	:	
	:	<b>Civil Action No. 24-4823</b>
<b>v.</b>	:	
	:	
<b>STAR POWER MARKETING GROUP LLC</b>	:	
<b>Defendant</b>		

**ANSWER TO PLAINTIFF'S COMPLAINT**

Defendant, **STAR POWER MARKETING GROUP LLC** by way of their attorney, Dean F.

Owens II, Esquire, do hereby answer Plaintiff's Complaint/Civil Action as follows:

1. Denied. Denied as a legal conclusion to which no response is required.
2. Denied. Denied as a legal conclusion to which no response is required.
3. Denied. After reasonable investigation, answering defendant is without knowledge or information to form a belief as to the truth of any factual averments of paragraph 3 and strict proof is demanded at the time of trial.
4. After reasonable investigation, answering defendant is without knowledge or information to form a belief as to the truth of any factual averments of paragraph 4 and strict proof is demanded at the time of trial.
5. Denied. By way of further answer Defendant was formally headquartered in Glenside Pennsylvania.
6. Admitted.
7. Admitted.
8. Admitted.

9. Admitted.

10. Admitted.

11. Admitted in part denied in part. It is admitted that the Do not call registry must be honored. It is denied that is applied where a registrant opts-in to a list and refuses to voluntarily opt-out.

12. Denied. Denied as a legal conclusion to which no response is required.

13. Admitted.

14. Denied. Plaintiff opted in to the database/text list.

15. Denied. Specifically upon information and belief the phone number is a cell phone number.

16. Denied. After reasonable investigation, answering defendant is without knowledge or information to form a belief as to the truth of any factual averments of paragraph 16 and strict proof is demanded at the time of trial.

17. Denied. After reasonable investigation, answering defendant is without knowledge or information to form a belief as to the truth of any factual averments of paragraph 17 and strict proof is demanded at the time of trial.

18. Denied. After reasonable investigation, answering defendant is without knowledge or information to form a belief as to the truth of any factual averments of paragraph 18 and strict proof is demanded at the time of trial.

19. Denied. After reasonable investigation, answering defendant is without knowledge or information to form a belief as to the truth of any factual averments of paragraph 19 and strict proof is demanded at the time of trial.

20. Denied. After reasonable investigation, answering defendant is without knowledge or information to form a belief as to the truth of any factual averments of paragraph 20 and strict proof is demanded at the time of trial.

21. Denied. After reasonable investigation, answering defendant is without knowledge or information to form a belief as to the truth of any factual averments of paragraph 19 and strict proof is demanded at the time of trial. Upon information and belief the number opted in prior to June of 2024.

22. Admitted.

23. Admitted.

24. Admitted.

25. Admitted.

26. Admitted.

27. Admitted in part Denied in part. It is admitted that defendant removed Plaintiff from the database upon request of counsel it is denied that further conversations were held or even attempted by parties after Defendant's prompt response.

28. Admitted in part Denied in part. It is admitted that Plaintiff has provided three text messages in the Complaint. It is denied that there were any calls.

29. Admitted.

30. Denied. Denied as a legal conclusion to which no response is required.

31. Denied. After reasonable investigation, answering defendant is without knowledge or information to form a belief as to the truth of any factual averments of paragraph 31

and strict proof is demanded at the time of trial. Upon information and belief the number opted in prior to June of 2024.

32. Denied. After reasonable investigation, answering defendant is without knowledge or information to form a belief as to the truth of any factual averments of paragraph 19 and strict proof is demanded at the time of trial. Upon information and belief, the number opted in prior to June of 2024.

33. Denied. After reasonable investigation, answering defendant is without knowledge or information to form a belief as to the truth of any factual averments of paragraph 19 and strict proof is demanded at the time of trial. Upon information and belief, the number opted in to the database prior to June of 2024.

34. Denied. After reasonable investigation, answering defendant is without knowledge or information to form a belief as to the truth of any factual averments of paragraph 19 and strict proof is demanded at the time of trial. Upon information and belief the number opted in prior to June of 2024.

35. Denied. After reasonable investigation, answering defendant is without knowledge or information to form a belief as to the truth of any factual averments of paragraph 19 and strict proof is demanded at the time of trial. Upon information and belief the number opted in prior to June of 2024.

36. Defendant incorporates by reference all prior responses as if fully stated herein.

37. Denied. Denied as a legal conclusion to which no response is required.

38. Denied. By way of further answer, it is denied that there could be a class of persons aggrieved under the TCPA after voluntarily “opting in” to a text database with option of removing themselves by texting stop.
39. Denied. By way of further answer, it is denied that there could be a class of persons aggrieved under the TCPA after voluntarily “opting in” to a text database with option of removing themselves by texting stop.
40. Denied. By way of further answer, it is denied that there could be a class of persons aggrieved under the TCPA after voluntarily “opting in” to a text database with option of removing themselves by texting stop.
41. Denied. By way of further answer, it is denied that there could be a class of persons aggrieved under the TCPA after voluntarily “opting in” to a text database with option of removing themselves by texting stop.
42. Denied. By way of further answer, it is denied that there could be a class of persons aggrieved under the TCPA after voluntarily “opting in” to a text database with option of removing themselves by texting stop.
43. Denied. By way of further answer, it is denied that there could be a class of persons aggrieved under the TCPA after voluntarily “opting in” to a text database with option of removing themselves by texting stop.
44. Defendant incorporates by reference all prior responses as if fully stated herein.
45. Denied. Denied as a legal conclusion to which no response is required.
46. Denied. Denied as a legal conclusion to which no response is required.

47. Denied. After reasonable investigation, answering defendant is without knowledge or information to form a belief as to the truth of any factual averments of paragraph 47 and strict proof is demanded at the time of trial.

48. Denied. Denied as a legal conclusion to which no response is required.

49. Denied. Denied as a legal conclusion to which no response is required.

50. Defendant incorporates by reference all prior responses as if fully stated herein.

51. Denied. Denied as a legal conclusion to which no response is required.

52. Denied. Denied as a legal conclusion to which no response is required.

53. Denied. After reasonable investigation, answering defendant is without knowledge or information to form a belief as to the truth of any factual averments of paragraph 53 and strict proof is demanded at the time of trial.

**WHEREFORE**, Defendant demands judgment in their favor against plaintiff.



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DEAN F. OWENS II, ESQUIRE

## ***EXHIBIT C***

